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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,843	03/22/2001	Hiroyuki Asano		8750

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EXAMINER	
TAYLOR, BARRY W	

ART UNIT	PAPER NUMBER
2643	6

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/815,843	ASANO, HIROYUKI	
	Examiner	Art Unit	
	Barry W Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellock et al (6,259,676 hereinafter Kellock) in view of Juntunen et al (6,647,018 hereinafter Juntunen).

Regarding claim 1. Kellock teaches access node (see 2 figure 5) located a far distance from switch (not shown in figure 5) and including a test unit (211 figure 5) and subscriber circuit accommodating subscriber lines (21-27 figure 5), wherein V5 interface protocol is used (see 210 figure 5), the access node (2 figure 5) includes control bus (213 figure 5).

Kellock does not explicitly show switch transmitting to the access node (2 figure 5) a piece of test specifying information.

Juntunen teaches access node (see AN in figure) interfacing with switches (see LE(1) and LE(2) in figure) and subscriber lines and circuits (see AN2 and TE figure). Juntunen discloses that by using V5 interfaces allows for implementation of management network (col. 3 lines 31-66), which is connected to switch thus allowing for access nodes to be tested and controlled. In other words, Juntunen uses two V5

interfaces allowing for both PSTN and ISDN ports to be tested from remote management network.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Kellock to include another V5 interface located at switch as taught by Juntunen for the benefit of testing and controlling both POTS and digital ports from remote management network via using V5 protocol.

Regarding claims 2-4. Kellock shows POTS protocol or digital protocol used (see 213 figure 3 and POTS and ISDN figure 6 used). Juntunen also shows both POTS and ISDN protocols (col. 1 lines 44-48).

Regarding claim 5. Kellock does not explicitly show using field element. However, Kellock indeed discloses using V5 messages allowing for remote control signals (col. 4 lines 37-40).

Juntunen teaches access node (see AN in figure) interfacing with switches (see LE(1) and LE(2) in figure) and subscriber lines and circuits (see AN2 and TE figure). Juntunen discloses that by using V5 interfaces allows for implementation of management network (col. 3 lines 31-66) connected to switch allows access nodes to be tested and controlled. In other words, Juntunen uses two V5 interfaces allowing for both PSTN and ISDN ports to be tested from remote management network via V5 protocol messaging.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Kellock to include another V5 interface located at switch as taught by Juntunen for the benefit of testing and controlling both POTS and digital ports from remote management network via using V5 protocol.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellock et al (6,259,676 hereinafter Kellock) in view of Tiihonen et al (5,974,030 hereinafter Tiihonen).

Regarding claim 1. Kellock teaches access node (see 2 figure 5) located a far distance from switch (not shown in figure 5) and including a test unit (211 figure 5) and subscriber circuit accommodating subscriber lines (21-27 figure 5), wherein V5 interface protocol is used (see 210 figure 5), the access node (2 figure 5) includes control bus (213 figure 5).

Kellock does not explicitly show switch transmitting to the access node (2 figure 5) a piece of test specifying information.

Tiihonen teaches access node (3 figure 2) and including test unit (2 figure 2) and control (3 figure 2) enabling for remote testing and controlling of subscriber test sent from telephone exchange (1 figure 2) via V5 signaling. For example, operator at telephony exchange (1 figure 2) sends request for test (see top arrow at the top of figure 2 wherein telephony switch 1 sends test request to access node). After performing subscriber test, the access node sends test result back to operator (see bottom arrow at top of figure 2 wherein access node 3 returns test result to operator).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Kellock to include another V5 interface located at switch as taught by Tiihonen for the benefit of sending request for test to access device using V5 protocol message as taught by Tiihonen.

Regarding claims 2-4. Kellock shows POTS protocol or digital protocol used (see 213 figure 3 and POTS and ISDN figure 6 used). Tiihonen shows both analog and digital ports (see left side of figure 2).

Regarding claim 5. Kellock does not explicitly show using field element. However, Kellock indeed discloses using V5 messages allowing for remote control signals (col. 4 lines 37-40).

Tiihonen teaches access node (3 figure 2) and including test unit (2 figure 2) and control (3 figure 2) enabling for remote testing and controlling of subscriber test sent from telephone exchange (1 figure 2) via V5 signaling. For example, operator at telephony exchange (1 figure 2) sends request for test (see top arrow at the top of figure 2 wherein telephony switch 1 sends test request to access node). After performing subscriber test, the access node sends test result back to operator (see bottom arrow at top of figure 2 wherein access node 3 returns test result to operator).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Kellock to include another V5 interface

located at switch as taught by Tiihonen for the benefit of sending request for test to access device using V5 protocol message as taught by Tiihonen.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(2002/0021710 A1) Bold et al also teaches using common access mechanism for testing access network by using V5 messaging (see all **especially figures 2 and 7**).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600